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MILLER NASH LLP 4400 TWO UNION SQUARE 601 UNION STREET SEATTLE, WA 98101-2352			YANG, CLARA I	
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		2635		
DATE MAILED: 02/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/905,383	MORENO, ELI
	Examiner Clara Yang	Art Unit 2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 July 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-63 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 and 24-58 is/are rejected.
- 7) Claim(s) 23 and 59-63 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 October 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>01</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the following:
  - ◆ Fig. 1: Change "SERVICE FOR SERVICE PROVIDER" (reference character 102) to "SERVER FOR SERVICE PROVIDER".

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Allowable Subject Matter*

2. Claims 23 and 59 – 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claim 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 24, and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- ◆ Claim 1 recites the limitation "the controller" in line 10. There is insufficient antecedent basis for this limitation in the claim.

- ◆ Claim 24 recites the limitation "the vending machine" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets Claim 24 to depend on Claim 23.
- ◆ Claim 47 recites the limitation "the processor" in the last line on page 50. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 – 3, 10, 12 – 14, 17 – 20, 25 – 28, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,475,378 (Kaarsoo et al.).

Referring to Claims 1 – 3, Kaarsoo discloses an electronic access control mailbox system. As illustrated in Figs. 1 and 2, Kaarsoo's mailbox station 10 comprises: (a) mailbox locker 12 having sixteen mailbox compartments 18 or lockers, each having a door (see Col. 2, lines 46 – 50); (b) an electrically operable locking mechanism attached to each door of mailbox compartments 18 (see Col. 2, lines 46 – 50); (c) central control unit 22 or server in communication with mailbox compartments 18 via communication bus 20 (see Col. 3, lines 13 – 19 and 58 – 64); and (d) a card reader 16 having a card slot, a key pad, and a liquid crystal display (LCD), which form a user interface (see Col. 3, lines 26 – 28). When the system is in off-

line operation, card reader 16 is able to determine if access should be granted to a user and issue a command to control unit 14 if a user's access code and personal identification number (PIN) are valid, thereby causing control unit 14 to operate the appropriate relays to unlock the appropriate mailbox 18 (see Col. 8, lines 62 – 67 and Col. 9, lines 1 – 17); consequently, it is understood that card reader 16 and control unit 14 form (e) a controller.

Regarding Claim 10, per Kaarsoo, mailbox compartment 18's locking mechanism is an electrically operable locking mechanism, such as a solenoid-controlled latch (see Col. 2, lines 46 – 54).

Regarding Claim 12, workstation 24 of Kaarsoo's central control unit 22 has a database that is the master/host database for the system and is used for processing access requests while the system is on-line (see Col. 5, lines 52 – 54 and 61 – 65; and Col. 6, lines 34 – 45).

Regarding Claims 13 and 25, as explained above in Claim 1, card reader 16 and control unit 14 are understood to form a controller. Per Kaarsoo, a card reader 16 and control unit 14 are associated with each mailbox locker 12 and are in communication with central control unit 22 (see Col. 3, lines 39 – 53). When the system is on-line, card reader 16 transmits a user's access information to workstation 24, which issues a command to control unit 14 to unlock the appropriate mailbox compartment(s) 18 upon confirming that access should be granted (see Col. 5, lines 52 – 54 and Col. 7, lines 12 – 17).

Regarding Claims 14 and 26, per Kaarsoo, local control unit 14 is connected to mailbox locker 12 via sixteen output relays, each of which is connected through separate electrical conductors or wires to the solenoid operating locking mechanisms of the sixteen mailbox compartments 18 (see Col. 3, lines 1 – 5). Here it is understood that the electrical conductors are remote connections.

Regarding Claims 17 and 18, Kaarsoo teaches that control unit 14 has a microprocessor (see Col. 2, lines 55 – 58) and that card reader 16 has a microprocessor (see Col. 3, lines 26 – 28). Control unit 14's microprocessor, in addition to controlling the locking mechanisms of mailbox compartments 18, is used to process both digital inputs and outputs for alarm monitoring purposes and peripheral device control purposes, respectively (see Col. 2, lines 58 – 67), and is therefore capable of multi-tasking. Card reader 16's microprocessor is able to read and communicate access information read from cards to central control unit 22 when the system is on-line or to read access information read from cards and determine if access should be granted when the system is off-line (see Col. 3, lines 58 – 64; Col. 5, lines 52 – 54; Col. 6, lines 65 – 67; and Col. 7, lines 1 – 17), and is therefore also capable of multi-tasking.

Regarding Claim 19, per Kaarsoo, when the system is on-line, a person wishing to access a particular mailbox at mailbox station 10 passes his/her magnetic striped card at station 10's card reader 16 (see Col. 6, lines 62 – 65). Card reader 16 reads the identification data and sends the data to workstation 24 for comparing the identification data against access codes stored in the central database. Workstation 24 determines whether or not access should be granted and issues a command to control unit 14 to unlock the particular mailbox if access should be granted. (See Col. 7, lines 1 – 17.)

Regarding Claim 20, Kaarsoo suggests incorporating contact switches or sensors in order to monitor the status of each door of mailbox compartment 18, wherein the contact switches are coupled to the alarm inputs of control unit 14. Any attempt to manually pry open a mailbox door will be detected as an alarm and logged as an event by the system. (See Col. 4, lines 38 – 43 and 54 – 62; Col. 5, lines 3 – 9; and Col. 7, lines 24 – 31.)

Regarding Claims 27, 28, and 31, Kaarsoo's card reader 16 has a user interface comprising a plurality of user interface devices such as an LCD, a key pad, and a magnetic card reader's card slot or scanner (see Col. 3, lines 26 – 28).

8. Claim 1, 3 – 6, 10 – 14, 16 – 18, 27 – 29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,300,873 (Kucharczyk et al.).

Referring to Claim 1, Kucharczyk's system, as shown in Figs. 1 – 3, comprises: (a) storage device 10 or locker having an interior and lid 12 or door (see Col. 2, lines 39 – 41 and Col. 4, lines 20 – 31); (b) a locking mechanism attached to storage device 10 for securing access to the interior via lid 12 (see Col. 2, lines 39 – 41 and Col. 4, lines 36 – 38); (c) server 30 in communication with storage device 10 (see Col. 2, lines 57 – 61 and Col. 6, lines 33 – 37); (d) access code entry unit 16 or user interface for communicating with server 30 (see Col. 4, lines 38 – 45 and Col. 9, lines 50 – 59); and (e) a locking mechanism controller for unlocking the locking mechanism upon receipt of a valid entry code from a user (see Col. 2, lines 51 – 57). Here it is understood that a user having a valid entry code is authorized to access storage device 10 (see Col. 7, lines 23 – 29 and Col. 9, lines 29 - 33).

Regarding Claim 3, Kucharczyk discloses that storage device 10 comprises at least a multiple compartment locker (see Fig. 2, inner security compartment 20 and Col. 5, lines 29 – 33), a refrigerated locker or heater locker (see Col. 11, lines 61 – 65), and a mailbox (see Col. 12, lines 14 – 18).

Regarding Claims 4 and 5, per Kucharczyk, a delivery service/merchant is advised by an owner to obtain a one-time access code for storage device 10 from server 30 (see Col. 6, lines 64 – 67 and Col. 7, lines 1 – 29). Because the owner is able to receive multiple deliveries on the same day or notify merchants and/or couriers that items are available for pick up (see Col. 5,

lines 44 – 50 and Col. 9, lines 50 - 59), it is understood that storage device 10 is used by either a single delivery service/merchant or multiple delivery services/merchants to send and receive goods.

Regarding Claim 6, Kucharczyk teaches that storage devices 10 are adapted to be placed at residences, office buildings, condominium and/or apartment developments, etc. (see Col. 3, lines 51 – 56).

Regarding Claim 10, because access code controller 80 of Kucharczyk's storage device 10, as shown in Fig. 6, has an actuator 86 that unlocks a locking mechanism when micro-controller/computer 82 determines that an entered code is valid (see Col. 11, lines 6 – 10), Kucharczyk's locking mechanism is an electronically activated lock.

Regarding Claim 11, as shown in Fig. 3, communications between Kucharczyk's server 30 and storage device 10/locking device 28 are established over Internet network 38 (see Col. 6, lines 33 – 51; Col. 9, lines 66 – 67; and Col. 10, lines 60 – 64).

Regarding Claim 12, Kucharczyk teaches that server 30, as shown in Fig. 5, is configured with one or more databases, such as customer database 54 and merchant/courier database 56 (see Col. 9, lines 63 – 66 and Col. 10, lines 10 – 14).

Regarding Claims 13 and 14, one way of distributing access codes, as taught by Kucharczyk, is to use server 30 to send the access codes to storage device 10. For example, tracking numbers for packages that are to be delivered could serve as access codes for storage device 10. The delivery service notifies server 30 of the tracking number, and then server 30 transmits the tracking number to storage device 10, which stores the number in memory and allows the number to be used once as a valid access code. (See Col. 9, lines 16 – 29.) Kucharczyk suggests providing an external/remote access control unit 90 and an inner/local

interface unit 92 that communicate with each other via a wireless or wired communication link 94 (see Fig. 7 and Col. 12, lines 47 – 51). Remote access control unit 90 is co-located with storage device 10 outside a home while local interface unit 92 is located in the home (see Col. 12, lines 55 – 59). Here it is understood that remote access control unit 90 and storage device 10 form a locker and that local interface unit 92 is a controller. Per Kucharczyk, server 30's messages, such as access codes, instructions to change time window sizes, etc., are decoded, translated, and/or up-converted by local interface unit 92 for transmission to remote access control unit 90 via communication link 94 (see Col. 12, lines 60 – 67 and Col. 13, lines 1 – 10).

Regarding Claim 16, Kucharczyk imparts that communication link 94 can be a radio frequency (RF) or infrared (IR) connection (see Col. 12, lines 62 – 66).

Regarding Claims 17 and 18, it is inherent that Kucharczyk's local interface unit 92 comprises at least a microprocessor or microcontroller because local interface unit 92 is able to down-convert, decode, translate, and/or packetize messages received from remote access code control unit 90 for transmission to server 30 and is also able to depacketize, decode, translate, and/or up-convert messages received from server 30 for transmission to remote access control unit 90 (see Col. 12, lines 60 – 67 and Col. 13, lines 1 – 10).

Regarding Claims 27, 28, and 31, Kucharczyk's access code entry unit 16 comprises a display monitor, a keyboard, a barcode scanner, and a magnetic stripe or card reader (see Col. 4, lines 38 – 48). Kucharczyk's access code entry unit 16 further includes means for accepting biometric identification, such as fingerprint recognition units, retina recognition units, and signature capture mechanisms (see Col. 13, lines 23 – 29).

Regarding Claim 29, Kucharczyk's access code entry unit 16 is able to communicate with server 30 via RF network 40 (see Fig. 3 and Col. 6, lines 33 – 37 and 42 – 44).

Regarding Claims 32 and 33, Kucharczyk teaches that upon access of storage device 10 by a delivery person, controller 80 transmits a message to server 30 that includes the access code used by the delivery person. Server 30 then compares this access code to those previously issued and relays a message via e-mail, pager, facsimile, etc., to the owner indicating that a delivery has been made. (See Col. 13, lines 45 - 54.)

9. Claims 1, 3 - 13, 17 - 19, and 27 - 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,404,337 (Van Till et al.).

Referring to Claims 1 and 30, Van Till discloses a system for providing access to unattended storage, wherein the system, as shown in Fig. 1, comprises: (a) storage device 106 or locker having a first door (see Col. 1, lines 25 - 33 and Col. 2, lines 39 - 43); (b) a locking device attached to storage device 106 (see Col. 1, lines 25 - 33 and Col. 2, lines 39 - 43); (c) central operations center 110 or server in communication with storage device 106 (see Fig. 1; Col. 4, lines 23 - 27; and Col. 7, lines 8 - 20); (d) a handheld device or user interface, such as a personal data assistant (PDA) device or the UPS® DIAD III™, for transmitting tracking information to central operations center 110 via storage device 106 (see Col. 6, lines 57 - 61 and 66 - 67; and Col. 7, lines 15 - 19); and (e) a controller within storage device 106 (see Col. 7, lines 15 - 19 and Col. 8, lines 11 - 14). Per Van Till, storage device 106 either (1) determines that the received tracking information is valid or (2) forwards the received tracking information to central operations center 110 for determining if the tracking information is valid; if the tracking information is valid, central operations center 110 commands storage device 106 to open (see Col. 7, lines 15 - 19 and Col. 8, lines 11 - 14).

Regarding Claims 3 - 6, storage device 106, as described in U.S. Patent No. 5,774,053 (Porter), includes an insulated compartment and a refrigeration unit for cooling the insulated

compartment if necessary (see Porter, Col. 2, lines 49 – 53). Van Till’s storage device 106 enables both a homeowner/customer (or single user) and a plurality of service providers (or multiple users), such as delivery agents, to send and received goods (see Col. 1, lines 33 – 35; Col. 3, lines 57 – 64; and Col. 7, lines 61 – 67). Per Van Till, storage device 106 is located at a private residence or at a business (see Col. 1, lines 23 – 25).

Regarding Claims 7 – 9, Van Till’s storage device 106, as described in U.S. Patent No. 5,774,053 (Porter), includes both a front door that is primarily provided for allowing vendors to deliver or pick up goods from the exterior of the house and a rear door that is primarily provided for allowing the homeowner to access the enclosure from the interior of the house (see Porter, Col. 3, lines 51 – 54 and Col. 4, lines 1 – 9). Per Van Till, storage device 106 is unlocked when central operations center 110 processes the tracking information forwarded by storage device 106 and determines that the tracking information matches the one stored in a memory (see Col. 7, lines 8 – 19 and Col. 8, lines 11 – 15); thus central operations center 110 controls access to the interior of storage device 106 via at least one door.

Regarding Claim 10, Van Till’s central operations center 110 is able to control access to the interior of storage device 106; therefore storage device 106’s lock is an electronically activated lock.

Regarding Claim 11, Van Till’s storage device 106 is connected to the Internet in order to communicate with central operations center 110 (see Fig. 1 and Col. 1, lines 25 – 33 and 59 – 62).

Regarding Claim 12, Van Till teaches that central operations center 110 stores data such as digital signatures (see Col. 4, lines 23 – 27) and tracking information (see Col. 7, lines 8 – 19 and Col. 8, lines 11 – 16), thereby implying that central operations center 110 has at least one database.

Regarding Claims 13, and 17 - 19, Van Till's storage device 106, as described in U.S. Patent No. 5,774,053 (Porter), includes a controller/computer 46, which is a conventional programmable logic controller (PLC), a microcomputer, or microprocessor (see Porter, Col. 5, lines 32 – 34). Per Van Till, a handheld device transmits tracking information to storage device 106, which then forwards the tracking information to central operations center 110 for comparing the tracking information with those stored in a memory (see Col. 7, lines 8 – 19 and Col. 8, lines 11 – 20). If there is a match, storage device 106 opens (see Col. 7, lines 11 – 14 and Col. 8, lines 15 – 20). Here it is understood that controller/computer 46, which is a multi-tasking processor, establishes communication with central operations center 110 and opens storage device 106 based upon instructions received from central operations center 110.

Regarding Claims 27 – 29 and 31, Van Till imparts that a handheld device or user interface can be a PDA-based device (i.e., "user interface device"), such as Palm III™ PDA, or the UPS® DIAD III™. A PDA-based device comprises (a) a display, (b) a keyboard, (c) a laser scanner for reading bar codes, and (d) an infrared port (see Col. 6, lines 59 – 66). Van Till's handheld device is able to communicate wirelessly to central operations center 110 via storage device 106 (see Col. 7, lines 3 – 6 and 15 – 19).

Regarding Claim 32, Van Till teaches that once storage device 106 generates and sends a digital signature to central operations center 110, operations center 110 notifies the customer that a delivery has been made (see Col. 7, lines 21 – 34).

10. Claim 34, 36, 37, 50, 52 – 54, and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,344,796 (Ogilvie et al.).

Referring to Claim 34, Ogilvie's unattended package delivery system and method, as shown in Fig. 1, includes: (a) multiple storage bins 12 or locker, wherein each bin 12 has a door;

(b) each bin 2 having a local lock controller (LLC) 22 that controls the lock associated with each bin (see Col. 4, lines 13 - 17); (c) central operations controller 20 or server that determines when a user may obtain access to the interior of the locker (see Col. 3, lines 53 - 59 and Col. 4, lines 13 - 17); and (d) a control unit 22U (indicated by reference character "224" in Fig. 1) or kiosk that controls bins 12 and communicates with central operations controller 20 (see Col. 4, lines 17 - 19 and Col. 5, lines 20 - 22 and 38 - 44). Ogilvie's control unit 22U has: (e) a processor for controlling each bin 12 and its associated LLC 22 (see Col. 3, lines 53 - 59; Col. 4, lines 13 - 19; and Col. 5, lines 20 - 22 and 38 - 46); (f) an output device for communicating information to a user via central operations controller 20 (see Col. 5, lines 38 - 44); (g) a keypad or input device for receiving communication from a user (see Col. 5, lines 38 - 41); and (h) a communications interface for communicating with central operations controller 20 (see Col. 5, lines 38 - 46). Ogilvie teaches that once a delivery agent closes a bin and enters a transaction code into the keypad of control unit 22U, central operations controller 20 notifies the appropriate customer, such as a local shipper or building tenant, of the delivery via e-mail, Internet message, paging device, voice, etc. (see Col. 4, lines 24 - 31 and Col. 5, lines 35 - 46); thus a customer has (i) at least one consumer's device, such as a phone or a pager, in communication with central operations controller 20.

Regarding Claim 36, per Ogilvie, a bulk shipper or vendor schedules the transaction on the unattended delivery system with the system's central operations center, which maintains central operations controller 20 (see Col. 3, lines 53 - 59). Here it is understood that the means used by the inbound bulk shipper to schedule the delivery of the good with central operations controller 20 is a vendor's device.

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Regarding Claim 37, per Ogilvie, a local shipper or customer can deposit outgoing goods, which are to be picked up by a bulk shipper or vendor, on the unattended delivery system by using a transaction code obtained by prearrangement with the system's central operations center (see Col. 4, lines 54 - 61). Ogilvie teaches that bins 12 are either assigned by central operations controller 20 or unassigned (see Col. 3, lines 66 - 67 and Col. 4, lines 1 - 3). Here it is understood that the means used by the customer to schedule a pickup with central operations controller 20 is a customer's device, such as a phone.

Referring to Claim 50, Ogilvie's method for delivering goods to a customer via bin 12 controlled by central operations controller 20 comprises: (a) a bulk shipper scheduling a delivery with a central operations center (see Col. 3, lines 53 - 59); (b) central operations controller 20 (or server) of the central operations center processing the request to determine which bin 12 is to receive the delivery (see Col. 3, lines 66 - 67 and Col. 4, lines 16); (c) the bulk shipper delivering the items into the specific bin 12 (see Col. 4, lines 3 - 6); and (d) central operations controller 20 notifying the local shipper, such as an individual, of the delivery of the items and the bin that contains the delivered items (see Col. 4, lines 24 - 34 and 54 - 57). Per Ogilvie, a bulk shipper receives a request from a customer for delivery of a good to a bin 12 prior to scheduling delivery with the central operations center (see Col. 6, lines 6 - 21). In addition, because central operations controller 20 is able to assign available bins 12 (see Col. 3, lines 66 - 67 and Col. 4, lines 16), LLC 22 of bin 12 containing the delivered item must notify central operations controller 20 via control unit 22U when the item has been removed and is available for another delivery.

Regarding Claim 52, Ogilvie teaches that a customer is able to purchase goods and request delivery via the Internet (see Col. 6, lines 6 - 15), which is understood to be a first

connection between a customer's device and a vendor's device. Ogilvie also discloses that a vendor contacts central operations controller 20 in order to obtain an authorization code or delivery code (see Col. 3, lines 53 – 59 and Col. 6, lines 15 – 33); hence there is a second connection between the vendor's device and central operations controller 20.

Regarding Claim 53, per Ogilvie, control unit 22U is similar to an ATM kiosk; hence it is understood that control unit 22U is a kiosk.

Regarding Claim 54, prior to receiving an access code, Ogilvie's method further includes: (a) bulk shipper providing an identification of the customer requesting the delivery (see Col. 4, lines 6 – 11); (b) central operations controller 20 determining the location of a bin 12 to be used for delivery of the good from the storage location information provided by the bulk shipper (see Col. 4, lines 6 – 11); (c) central operations controller 20 assigning a bin 12 for the delivery (see Col. 3, lines 66 – 67 and Col. 4, lines 1 – 6); and (d) central operations controller 20 communicating an authorization code to the bulk shipper designated to deliver the good (see Col. 3, lines 53 – 59).

Regarding Claim 57, Ogilvie imparts that a customer is notified of a delivery by a facsimile, e-mail, an Internet message (i.e., web page message), voice (i.e., telephone message), a page, etc. (see Col. 4, lines 29 – 31).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 7 - 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,475,378 (Kaarsoo et al.) as applied to claims 1 and 13 above, and further in view of U.S. Patent No. 4,894,717 (Komei).

Regarding Claims 7 - 9, each Kaarsoo's mailbox compartments 18 only has one door for accesses the interior of the compartment, wherein each door is controlled by central control unit 22 when the system is on-line (see Col. 7, lines 1 - 17).

In an analogous art, Komei's article storage control system for condominiums, as shown in Figs. 4 - 6, comprises: (a) lockers 8A - 8N; (b) an autolock mechanism attached to each doors 8a - 8n (see Col. 4, lines 8 -12 and 63 - 68); (c) control box A having interactive input keyboard 6 or user interface for receiving input from a delivery person (see Col. 3, lines 48 - 50 and Col. 4, lines 39 - 42); and (d) a CPU for controlling lockers 8A - 8N, determining if a user is authorized access to the locker, and directing the locking device to unlock the door (see Col. 4, lines 8 - 12). As shown in Fig. 4, each of Komei's lockers 8A - 8N is one of a plurality of lockers in a storage unit B (see Col. 3, lines 56 - 61). Each of Komei's lockers 8A - 8N has a front door (8a - 8n) and a rear door (8a1 - 8n1), as shown in Figs. 4 - 6. Per Komei, front doors 8a - 8n are exposed outside the building and rear doors 8a1 - 8n1 are exposed inside the building (see Col. 2, lines 65 - 68 and Col. 3, lines 1 - 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo's mailbox compartment 18 as taught by Komei because a mailbox compartment 18 having both a first door for accessing the interior from a location outside the building and a second door for accessing the interior from a location inside the building enables a delivery person to conduct his work without entering the building and

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enables a resident to remove a delivered article both inside and outside of the building (see Komei, Col. 3, lines 3 - 10 and Col. 5, lines 9 - 14).

Regarding Claim 21, Kaarsoo fails to disclose that card reader 16 is incorporated in a kiosk.

As shown in Fig. 4, Komei's control box or user interface is a kiosk that enables a delivery person access to storage lockers 8A - 8N upon positive identification. Komei's kiosk includes a monitor display 2, a printer 3 for issuing receipts and delivery notices, a card reader 4, and instruction display 5. (See Col. 3, lines 40 - 55 and Col. 4, lines 54 - 68.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo's card reader 16 as taught by Komei because a kiosk having an instruction display, a printer, etc. in addition to a card reader makes the system user friendly by providing the user with visual instructions.

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,300,873 (Kucharczyk et al.).

Kucharczyk suggests providing an external/remote access control unit 90 and an inner/local interface unit 92 that communicate with each other via a wireless or wired communication link 94 (see Fig. 7 and Col. 12, lines 47 - 51). Kucharczyk fails to expressly disclose that the wired communication link 94 is an Ethernet connection. However, the Examiner takes Official Notice that using Ethernet connections for connecting devices is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify communication link 94 such that it is an Ethernet connection because the Ethernet is a well-known local area network (LAN) standard for connecting

computers within the same building and enables several devices to share a common medium, thereby reducing installation costs.

14. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,475,378 (Kaarsoo et al.) as applied to claims 1 and 13 above, and further in view of U.S. Patent No. 5,223,829 (Watabe).

Regarding Claims 21 and 22, Kaarsoo fails to disclose that card reader 16 is incorporated in a kiosk.

In an analogous art, Watabe's locker apparatus comprises, as shown in Fig. 1, the following: (a) locker boxes 2, each having an interior and a front door (see Col. 4, lines 9 - 12); (b) an electronic lock device attached to the front door of each locker box 2 (see Col. 4, lines 10 - 12); and (c) a console box 3 or kiosk that functions as a user interface (see Col. 4, lines 22 - 30 and 55 - 68; and Col. 5, lines 1 - 2). Watabe's console box 3 includes keypad 15, display 17, coin inlet 20 and outlet 21 in addition to a card slot 19 for a card reader. Per Watabe, coin inlet 20 and outlet 21 are used for inserting and returning coins when a prescribed fee is to be charged for using apparatus 1. Though Watabe is silent on console box 3 having an automated teller machine (ATM), the Examiner takes Official Notice that kiosks having money transfer means, such as an ATM, are well known. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watabe's console box 3 such that it also includes an ATM, thereby improving apparatus 1's convenience by offering users an alternate payment means.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo's card reader 16 as taught by Watabe because a kiosk having keypad 15, display 17, coin inlet 20 and outlet 21, and an ATM in addition to a

card reader improves the system's convenience by providing the user with visual instructions and different methods for rendering payment.

15. Claim 35 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,344,796 (Ogilvie et al.) as applied to claims 34 and 50 above, and further in view of U.S. Patent No. 6,404,337 (Van Till et al.).

Regarding Claims 35 and 56, Ogilvie's system and method also include: (a) a bulk shipper (or carrier) providing an authorization code to gate 16 via input device 18, such as special wands (or user verification device) (see Col. 3, lines 40 - 44 and 59 - 65); (b) the carrier gaining access to the facility and unloading items into specified bins 12 (see Col. 3, lines 66 - 67 and Col. 4, lines 1 - 3); (c) the carrier providing the authorization code to control unit 22U (or controller) via IR communications devices (such as those used by UPS and FedEx), a keypad, or some data input devices (see Col. 3, lines 59 - 65 and Col. 6, lines 21 - 27); and (c) control unit 22U receiving the authorization code and locking bins 12. Because Ogilvie's bins 12 are unlocked prior to delivery, Ogilvie omits the following steps: (1) a carrier proving an authorization code control unit 22U, and (2) control unit 22U automatically causing LLC 22 to unlock and allowing the carrier to access bin 12 after receiving approval from central operations controller 20.

In an analogous art, Van Till's system and method for providing access to an unattended storage, as shown in Figs. 1 and 6, comprise: (a) customer 102 purchasing merchandise from merchant 104 via the Internet (see Col. 4, lines 48 - 50); (b) merchant 104 requesting logistics company 108 (or carrier 108) to deliver the merchandise; (c) merchant 104 transmitting tracking information received from carrier 108 to central operations center 110 or server (see Col. 6, lines 21 - 24); (d) carrier 108 providing the tracking information to storage device 106 via a handheld

device (or carrier/user verification device), wherein storage device 106 has a controller and a lock (see Col. 1, lines 25 – 35 and Col. 7, lines 3 – 6); (e) storage device 106 communicating the tracking information to central operations center 110; (f) central operations center 110 determining that the tracking information matches the stored tracking information and sending an open command to storage device 106; (g) storage device 106 automatically unlocking; (h) carrier 108 inserting the merchandise into storage device 106; (i) storage device 106 transmitting a digital signature after its access door has been closed; and (j) storage device 106 notifying central operations center 110 to notify customer 102 of the delivery. (See Col. 7, lines 3 – 34.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system and method of Ogilvie as taught by Van Till because storage bins 12 that remain locked at all times, even when empty, prevents unauthorized people from accessing the bins and causing damage.

16. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,344,796 (Ogilvie et al.).

Regarding Claim 38, though Ogilvie fails to specify that control unit 22U and central operations controller 22 communicate via an Internet connection, the Examiner takes Official Notice that using the Internet to connect local controllers with servers is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Internet to connect control unit 22U and central operations controller 22 since the Internet is easily accessible and provides effective and reliable connectivity.

17. Claims 39, 43, 44, and 47 - 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,475,378 (Kaarsoo et al.) in view of U.S. Patent No. 5,223,829 (Watabe).

Referring to Claims 39, 47, and 48, Kaarsoo's apparatus for controlling access to compartment 18 (or locker), as shown in Figs. 1 and 2, comprises: (a) local control unit 14, which is a microprocessor based device (see Col. 2, lines 55 – 58); (b) card reader 16 or user interface, which is connected to local control unit 14 and is also a microprocessor based device (see Col. 2, lines 39 – 45 and Col. 3, lines 26 - 38); (c) an output relay or network connection connecting each compartment 18 to local control unit 14 (see Fig. 1 and Col. 3, lines 1 - 5); and (d) a communication interface for establishing communication between each local control unit 14 and central control unit 22's workstation 24 (or server) via communication bus 20 (see Col. 3, lines 13 – 19). Kaarsoo's mail box locker 12 comprises of a plurality of compartments 18, each having: (e) an interior for receiving goods; (f) a door providing access to the interior; (g) a locking device securing the door and limiting access to the interior; and (h) local control unit 14 (or controller) with a communications interface for communicating with central control unit 22's workstation 24 via bus 20. (See Col. 2, lines 46 – 50 and Col. 3, lines 1 - 24.) Per Kaarsoo, when a user enters his/her access card to card reader 16 in order to gain access to a compartment 18, identification data is read from the card by card reader 16, which sends the data to computer workstation 24. Upon confirming that access should be granted, workstation 24 issues a command to local control unit 14 to unlock the valid doors (see Col. 7, lines 12 – 17). Though Kaarsoo teaches two separate microprocessors, one for controlling control unit 14 and the other for controlling card reader 16, the Examiner takes Official Notice that using a single microprocessor for controlling multiple devices is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaarsoo's local control unit 14 and card reader 16 such that they are controlled by one processor since using one microprocessor instead of two eliminates the need for bussed terminal strips 28, reduces hardware costs, and simplifies

network configuration. Upon receipt of approval from workstation 24, however, Kaarsoo's card reader 16 fails to indicate via its LCD display (see Col. 3, lines 26 - 28) which compartment 18 has been unlocked and is to be accessed.

In an analogous art, as explained above in Section 14, Watabe's electric locker apparatus has a console box 3 or kiosk that includes a display panel 18. Per Watabe, when a courier agent intends to deliver an item to a resident, a locker box 2 for receiving the item is automatically assigned and unlocked after the courier agent enters the proper information via operation panel 14, (see Col. 6, lines 22 - 45). Display 18 then indicates the box number of the unlocked locker box 2 to the courier agent (see Col. 6, lines 45 - 50). When the resident determines that an item has been delivered via display panel 13, the resident inserts her/her registration card into card reader 40. As soon as the identification of the resident has been confirmed, the door of the relevant locker box 2 is unlocked, and the box number of the unlocked locker box 2 is shown on display 18. (See Col. 6, lines 56 - 68.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo's mail box system as taught by Watabe because a display for indicating the unlocked compartment(s) 18 makes the system user-friendly by enabling a delivery agent or user to quickly identify the unlocked compartment 18.

Regarding Claim 43, as shown in Fig. 2, Kaarsoo teaches a LAN formed by a plurality of mail box stations 10 and workstation 24, which are all connected via bus 20. Kaarsoo discloses that bus 20 is implemented as an RS-422 multi-drop loop configuration (see Col. 3, lines 54 - 57); hence it is understood that Kaarsoo's bus 20 is an Ethernet because (1) Ethernet is a LAN standard, and (2) RS-422 supports an Ethernet data rate of 10 Mb/s.

Regarding Claims 44 and 49, Kaarsoo's local control unit 14 is in communication with each compartment 18 and with central control unit 22's workstation 24 for controlling access to the interior of each compartment 18 based upon commands received from workstation 24 (see Col. 3, lines 1 – 5, 13 – 16, and 45 – 64; and Col. 7, lines 12 – 17). Kaarsoo fails to disclose that local control unit 14 and card reader 16, which form a controller, are incorporated in a kiosk that includes an ATM.

Watabe's locker apparatus comprises, as shown in Fig. 1, further includes a console box 3 or kiosk that functions as a user interface (see Col. 4, lines 22 – 30 and 55 – 68; and Col. 5, lines 1 – 2). Watabe's console box 3 includes keypad 15, display 17, coin inlet 20 and outlet 21 in addition to a card slot 19 for a card reader. Per Watabe, coin inlet 20 and outlet 21 are used for inserting and returning coins when a prescribed fee is to be charged for using apparatus 1. Though Watabe is silent on console box 3 having an automated teller machine (ATM), the Examiner takes Official Notice that kiosks having money transfer means, such as an ATM, are well known. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watabe's console box 3 such that it also includes an ATM, thereby improving apparatus 1's convenience by offering users an alternate payment means.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo's controller, which is formed by local control unit 14 and card reader 16, as taught by Watabe because a kiosk having coin inlet 20 and outlet 21, and an ATM in addition to a card reader, a keypad, and a display improves the system's convenience by providing the user with different methods for rendering payment.

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18. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,475,378 (Kaarsoo et al.) and U.S. Patent No. 5,223,829 (Watabe) as applied to claim 39 above, and further in view of U.S. Patent No. 6,204,763 (Sone).

Regarding Claims 40 and 41, Kaarsoo and Watabe's user interface includes a keypad and an LCD display in addition to a card slot (see Kaarsoo, Col. 3, lines 26 – 28). Kaarsoo and Watabe fail to teach a user interface that is provided by a personal computer or that includes a touch sensitive display monitor.

In an analogous art, Sone teaches a household consumable item replenishment system, as shown in Figs. 1 and 3, that comprises a cabinet 12 (or locker) having an outdoor access 11 and an indoor access 13 (see Col. 5, lines 48 – 53). Per Sone, a vendor or delivery person must unlock lock 51 when cabinet 12 is restocked via outdoor access 11 (see Col. 8, lines 25 – 38). In one embodiment, as shown in Figs. 2 and 4, cabinet 12 comprises: (a) personal computer 50 or processor (see Col. 7, lines 45 - 64); (b) a display 42 that is a touch screen display (see Col. 9, lines 32 – 36); (c) an RS-232 cable connecting computer 50 and cabinet 12 (see Col. 7, lines 53 – 55); and (d) communication link 34, such as a telephone line or Internet connection, for establishing communication with store shopping server 24 (see Col. 6, lines 66 – 67; and Col. 7, lines 1 – 2 and 59 – 64). Per Sone, the standard household inventory generated by personal computer 50 is modifiable via touch screen display 42 or personal computer 50 (see Col. 4, lines 63 – 65); thus personal computer 50 and display 42 are both user interfaces.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo and Watabe's apparatus as taught by Sone because a personal computer has a more keys and a larger display than the Matrix Intelligent Badge Reader, thereby making the apparatus more flexible and secure by enabling the use of more

complex passwords and the display of more detailed instructions and feedback. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo and Watabe's apparatus as taught by Sone because a touch screen display eliminates the need for a separate keypad and its associated repairs and maintenance.

19. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,475,378 (Kaarsoo et al.) and U.S. Patent No. 5,223,829 (Watabe) as applied to claim 39 above, and further in view of U.S. Patent No. 6,404,337 (Van Till et al.).

Kaarsoo, as modified by Watabe, requires a courier agent to manually input data in order to obtain access to a locker box 2 (see Watabe, Col. 6, lines 30 – 40). Kaarsoo and Watabe omit teaching a user interface is provided via a wireless connection with at least a PDA, a personal computing device, and the UPS® DIAD.

In an analogous art, Van Till's system for providing access to an unattended storage, as shown in Fig. 1, includes: (a) storage device 106 or locker; (b) a locking device attached to storage device 106 (see Col. 7, lines 8 – 14); (c) an output device for communicating information to a user (see Col. 7, lines 26 – 30); (d) an input device for receiving communication from a user in order for the user to obtain access to storage device 106 after delivery of an item; (e) a communication interface for establishing a communications link between storage device 106's processor and central operations center 110 (or server) (see Col. 4, lines 54 – 57 and Col. 7, lines 15 – 30); and (f) a customer device in communication with central operations center 110 for receiving a notification when delivery has occurred (see Col. 4, lines 54 – 56 and Col. 7, lines 26 – 30). Per Van Till, when a logistics company or carrier accesses an unattended storage device 106, the carrier transmits tracking information via a handheld device to storage device 106. Handheld devices include PDA-based device, the current UPS® DIAD III™, and the FedEx®

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SuperStick™ (see Col. 6, lines 59 – 67 and Col. 7, lines 1 – 3). Using the handheld device, the carrier obtains authorization and access to the locked storage device 106 (see Col. 7, lines 8 – 20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kaarsoo and Watabe as taught by Van Till because storing access data in a handheld device, such as a PDA or UPS® DIAD III™, and using the handheld device to transmit the access data to local control unit 14 in order to gain access to a locker eliminates manual data entry, thereby facilitating delivery of items to unattended lockers.

20. Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,475,378 (Kaarsoo et al.) and U.S. Patent No. 5,223,829 (Watabe) as applied to claim 39 above, and further in view of U.S. Patent No. 6,300,873 (Kucharczyk et al.).

Regarding Claims 45 and 46, Kaarsoo and Watabe are silent on establishing communication between the processor and workstation 24 via an Internet connection.

In an analogous art, as explained above in Section 8, communications between Kucharczyk's server 30 and storage device 10/locking device 28 are established over Internet network 38 (see Col. 6, lines 33 – 51; Col. 9, lines 66 – 67; and Col. 10, lines 60 – 64). Kucharczyk omits teaching that the Internet connection utilizes a digital subscriber line (DSL). However, the Examiner takes Official Notice that Internet connection using DSL is well known. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect storage device 10/locking device 28 to the Internet using DSL because DSL has a higher data rate than dial-up or cable.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kaarsoo and Watabe as taught by

Kucharczyk because using an Internet connection to establish communication between a plurality of mail box stations 10 and workstation 24 enable mail box stations 10 to be located in buildings other than the one where workstation 24 is located, thereby enabling distribution of mail box stations 10 over a wider area while still maintaining centralized control and monitoring for each mail box station 10 (see Kaarsoo, Col. 2, lines 10 – 14).

21. Claims 51, 52, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,344,796 (Ogilvie et al.) as applied to claims 50 and 54 above, and further in view of U.S. Patent No. 6,300,873 (Kucharczyk).

Regarding Claim 51, Ogilvie teaches that a customer is able to purchase and request delivery of a good via the Internet (see Col. 6, lines 6 – 15) but omits teaching that the customer's request is received via an Internet connection between the customer's device (such as a personal computer) and central operations controller 20.

In an analogous art, Kucharczyk's method for delivering goods to a customer 46 via a storage device 10 includes the steps of: (a) a merchant 42 or courier 44 receiving a request from customer 46 for delivery of a good to storage device 10 (see Col. 6, lines 64 – 67 and Col. 7, lines 1 – 17); (b) server 30 processing merchant 42's or courier 44's request for an access code and identifying which storage device 10 is to receive the access code (see Col. 7, lines 23 – 29); (c) courier 44 delivering the goods to storage device 10 (see Col. 13, lines 45 – 49); and (d) server 30 notifying customer 46 of the delivery of the good (see Col. 13, lines 45 – 54). Kucharczyk imparts that a storage device owner (or customer 46) is able to notify merchants 42 and couriers 44 via server 30 that items are available for pick up (see Col. 9, lines 45 – 50). Because server 30 is capable of operating as a central point of information dispersal, it is understood that customer 46 is also able to send a request for delivery of a good to merchants 42 and/or couriers 44 via

server 30, which is connected to devices of customers 46, couriers 44, and merchants 42 through Internet 38 (see Fig. 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ogilvie as taught by Kucharczyk because an Internet connection between central operations controller 20 and the devices of a customer, a merchant, and/or a courier such that central operations controller 20 receives a customer's request because a central point of information dispersal enables central operations controller 20 to forward a customer's request to the designated merchant/courier along with the necessary access codes (see Kucharczyk, Col. 9, lines 50 – 59), thereby making the system more efficient by eliminating the step of a merchant/courier requesting an access code from central operations controller 20 after receiving a customer's request.

Regarding Claim 55, Ogilvie is silent on selecting a bin 12 for the delivery of a good based on one of the following parameters: a preferred locker preference, an alternative lock preference, a place of business, a residence address, a type of good to be shipped, a time constraint, and a time of day.

Kucharczyk teaches that in order for a merchant 42 or courier 44 to obtain an access code from server 30, merchant 42/courier 44 must provide information of a particular storage device 10, such as the owner's name and address, a serial number of storage device 10 or its locking device 28, etc. (see Col. 7, lines 23 – 29); thus server 30 is able to determine which storage device 10 is to receive the access code from a residence address and a preferred locker preference.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Ogilvie as taught by Kucharczyk because a central operations controller 20 that determines a bin 12 based on a customer's residence

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address or locker preference ensures that the bin is conveniently located for the customer, thus resulting in a user-friendly and flexible system.

22. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,170 (Tsukuda).

Tsukuda teaches a delivery managing system, wherein the delivery of goods is conducted through an unmanned agent comprising a delivery locker (see Col. 9, lines 33 - 40). The delivery locker is an assembly of boxes for conducting the delivery of goods and is similar in shape to a coin-operated locker or storage. Each locker has an electronic lock and a box open/close device (or controller) to open or close the lock. (See Col. 9, lines 40 - 46.) Fig. 13 shows the hardware construction of the agent server. When commissioned goods are to be delivered to an agent, Tsukuda's method comprises the steps of: (a) the distributor inputting its electronic address (or carrier ID number) and the commissioned goods information (see Figs. 4 and 14) into the agent server's input device, and the agent server's CPU comparing the electronic address with those stored in list of distributors 1226 (see Col. 7, lines 16 - 21; Col. 9, lines 52 - 56; and Col. 10, lines 14 - 19); (b) if the distributor is registered, the CPU checking if there is a locker that satisfies the condition(s) for storing the goods (see Figs. 4 and 15; and Col. 10, lines 23 - 30); (c) if such a locker is available, CPU instructing the locker's box open/close device to release the key or unlock (see Col. 10, lines 31 - 33); (d) the distributor opening the door of the locker, delivering the goods, and closing the door (see Col. 10, lines 34 - 36); (e) the locker's box open/close device notifying the CPU that the door is closed, and the CPU instructing the box open/close device to lock (see Col. 10, lines 37 - 44); and (f) the locker's box observation device notifying the CPU whether the goods have been inserted into the locker or not (see Col. 10, lines 46 - 51). Here it is understood that the agent server's CPU verifies the

distributor's electronic address prior to processing the commissioned goods information since Tsukuda discloses that it is desirable to prevent unauthorized use of the lockers. Because the commissioned goods information contains the recipient's delivery address and contract code, which is unique (see Fig. 4 and Col. 4, lines 25 - 29), it is understood that the recipient of the goods is selected by inputting the commissioned goods information into the agent server's input device. Though Tsukuda omits teaching that the agent server's input and output devices, which include a bar-code reader, an integrated circuit (IC) card reader/writer, a printer, etc. (see Col. 4, lines 30 - 34), are contained in a kiosk, the Examiner takes Official Notice that kiosks comprising of input and output devices are well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsukuda's method such that a carrier ID is entered at a kiosk because kiosks protect the input and output devices by containing them in a protective and locked housing.

### *Conclusion*

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- ◆ U.S. Patent No. 5,946,660 (McCarty et al.): McCarty teaches an automated storage system that includes a plurality of storage units controlled by an interactive kiosk. The interactive kiosk includes an ATM.
- ◆ U.S. Patent No. 6,323,782 (Stephens et al.): Stephens teaches a storage system comprising a plurality of lockers and an external communications device for communicating with an external host computer (or server) that controls the storage system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (703) 305-4086. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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CY  
11 February 2004



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